



Patent and Trademark Office  
Commissioner of Patents and Trademarks  
Washington, DC 20231

**RECEIVED**

FEB 13 2001

2858  
**RECEIVED**

JAN 10 2001

4 January 2001

Re:

William H. Swain, inventor  
Error Correction by Selective Modulation  
SN 08/579,395; Filed 12/27/95; Art 2213

Group 2858

703-308-5222, or 305-4900

Primary Examiner: Mr. Ernest F. Karlsen  
Phone: 703-305-4768

**Subject:** TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

**Withdrawal of Notice of Abandonment of 28 December 2000 requested because it was put forth in error.**

Greetings;

This message is in response to the erroneous Office action of 28 December 2000 in which I received Notice of Abandonment, enclosed Exhibit 1.

I here follow the procedure suggested by the Primary Examiner Mr. Ernest F. Karlsen when I telephoned him on 4 January 2001. I thank Mr. Karlsen for his suggestion.

I regret that Mr. Karlsen did not personally receive my timely response. Proof that it was timely sent and also that it was timely received by the Office was provided in my fax to Mr. Karlsen of 3 January 2001. Said proof is also provided herein.

Airborne Express delivered my response dated 24 March 2000 (106 pages are enclosed, herewith) on 27 March 2000 at 10:34 A.M. to G. Negash. This is shown on the bottom line of Exhibit 2.

We sent this by Airborne Express a day early - 23 March 2000. The receipt - Exhibit 3 - is signed by D. Courtright. He remembers sending the 106 page response to the Office.

Paragraph 3 of Page 1 of my response of 24 March 2000 (enclosed) says "Our payment for \$156.00 is enclosed, check #11341." Enclosed Exhibit 4 is a copy of this check endorsed on the back by the Office on 28 March 2000.

I think that the above shows conclusively that we timely sent, and also that the Office timely received our response of 24 March 00.

Following this request I enclose a complete copy of my response of 24 March 2000. This includes, in the order of presentation:

- Table of Contents - The first 3 pages in the first bundle.
- Page 1. Paragraph 3 is our statement of enclosing check #11341 for \$156.00 which the Office cashed on 28 March 2000.

Claims: 32 through 62, on pages C-1 through C-28.

Claims: 63 through 66, on pages C-29 through C-35.

Page 2. This continues the summary from page 1.

Pages 3 through 59 at the end of the first bundle.

Pages 60 through 106 in the first part of the second bundle.

Pages 31 through 73 in the last part of the second bundle.

I look forward to early allowance of all claims.

Sincerely,



William H. Swain

Inventor



*Exhibit #1*

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
| 08/579395          | 12/27/95    | SWAIN SWAIN           | W                   |

12/27/95 12/27/95 SWAIN SWAIN

WILLIAM H SWAIN  
4662 GLEASON AVE  
SARASOTA FL 34242



| EXAMINER   |
|------------|
| E. KARLSEN |

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2858     | 21           |

DATE MAILED: 12/28/00

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper response to the Office letter mailed on JAN. 24, 2000.
- A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- No response has been received.
- Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- The issue fee has not been received.
- Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- No proposed new formal drawings have been received.
- The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

RECEIVED  
JAN 10 2001  
TECHNOLOGY CENTER 2800

*Ernest Karlson*

ERNEST KARLSEN  
PRIMARY EXAMINER